

Introduced by Senator SteinbergMarch 28, 2014

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 17, as introduced, Steinberg. Members of the Legislature: suspension.

The California Constitution provides that each house of the Legislature shall judge the qualifications and elections of its Members and may expel a Member by a vote of $\frac{2}{3}$ of the membership of the house. The California Constitution further charges the California Citizens Compensation Commission with the responsibility to establish the annual salary and benefits of all state officers, and provides that the salary of an elected state officer may not be reduced during his or her term of office.

This measure would require that, to suspend a Member of either house of the Legislature, a motion or resolution to that effect shall be adopted by a vote of the majority of the membership of the house. The measure also would authorize the salary and benefits of the Member to be forfeited for all or part of the period of the suspension by express provision of the motion or resolution.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
- 2 Legislature of the State of California at its 2013–14 Regular

1 Session commencing on the third day of December 2012,
2 two-thirds of the membership of each house concurring, hereby
3 proposes to the people of the State of California that the
4 Constitution of the State be amended as follows:

5 That Section 5 of Article IV thereof is amended to read:

6 SEC. 5. (a) (1) Each house *of the Legislature* shall judge the
7 qualifications and elections of its Members and, by rollcall vote
8 entered in the journal, ~~two-thirds~~ *two-thirds* of the membership
9 concurring, may expel a Member.

10 (2) *Each house may suspend a Member by motion or resolution*
11 *adopted by rollcall vote entered in the journal, a majority of the*
12 *membership concurring. Notwithstanding any other provision of*
13 *this Constitution, the house may deem the salary and benefits of*
14 *the Member to be forfeited for all or part of the period of the*
15 *suspension by express provision of the motion or resolution.*

16 (b) No Member of the Legislature may accept any honorarium.
17 The Legislature shall enact laws that implement this subdivision.

18 (c) The Legislature shall enact laws that ban or strictly limit the
19 acceptance of a gift by a Member of the Legislature from any
20 source if the acceptance of the gift might create a conflict of
21 interest.

22 (d) No Member of the Legislature may knowingly accept any
23 compensation for appearing, agreeing to appear, or taking any
24 other action on behalf of another person before any state
25 government board or agency. If a Member knowingly accepts any
26 compensation for appearing, agreeing to appear, or taking any
27 other action on behalf of another person before any local
28 government board or agency, the Member may not, for a period
29 of one year following the acceptance of the compensation, vote
30 upon or make, participate in making, or in any way attempt to use
31 his or her official position to influence an action or decision before
32 the Legislature, other than an action or decision involving a bill
33 described in subdivision (c) of Section 12 ~~of this article~~, which he
34 or she knows, or has reason to know, would have a direct and
35 significant financial impact on that person and would not impact
36 the public generally or a significant segment of the public in a
37 similar manner. As used in this subdivision, “public generally”
38 includes an industry, trade, or profession. However, a Member
39 may engage in activities involving a board or agency which are
40 strictly on his or her own behalf, appear in the capacity of an

1 attorney before any court or the Workers' Compensation Appeals
2 Board, or act as an advocate without compensation or make an
3 inquiry for information on behalf of a person before a board or
4 agency. This subdivision does not prohibit any action of a
5 partnership or firm of which the Member is a member if the
6 Member does not share directly or indirectly in the fee, less any
7 expenses attributable to that fee, resulting from that action.

8 (e) The Legislature shall enact laws that prohibit a Member of
9 the Legislature whose term of office commences on or after
10 December 3, 1990, from lobbying, for compensation, as governed
11 by the Political Reform Act of 1974, before the Legislature for 12
12 months after leaving office.

13 (f) The Legislature shall enact new laws, and strengthen the
14 enforcement of existing laws, prohibiting Members of the
15 Legislature from engaging in activities or having interests which
16 conflict with the proper discharge of their duties and
17 responsibilities. However, the people reserve to themselves the
18 power to implement this requirement pursuant to Article II.